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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,708

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Yves Monnier

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FOLEY AND LARDNER LLP

SUITE 500

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WASHINGTON, DC 20007

EXAMINER

OREILLY, PATRICK F

ART UNIT

PAPER NUMBER

3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/519,708

Applicant(s)

MONNIER ET AL.

Examiner

Patrick F. O'Reilly III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/30/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Certified copies of the priority documents have been received.

Information Disclosure Statement

2. The information disclosure statement filed on December 30, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include an English abstract or a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information of the following patent, which is not in the English language: EP 0 818 334 A1 ("EP '334"). The information disclosure statement indicates an attached English abstract for EP '334. However, an English abstract has not been received for this reference. Thus, the information disclosure statement has been placed in the application file, but the information referred to in this patent has not been considered.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a "transversely divided water box arrangement" as recited in claim 4, a "vertically divided water box arrangement" as recited in claim 5, and a "tongue-and-groove connection" as recited in claims 7 and 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
4. Figure 1 is further objected to because the lineweights employed in this drawing are not uniform and, therefore, do not satisfy the requirements of 37 CFR 1.84(l).

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5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show that the "water box arrangement (4) is divided along the sectional line of the figure" as described on page 2, lines 27-28 of the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. **The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.** The abstract should describe the disclosure

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sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

8. The abstract of the disclosure is objected to because of the following informalities: (a) the abstract uses legal phraseology, such as "said", and (b) "water tank" is not disclosed in the specification. The examiner believes that the phrase "water box" should be substituted for the phrase "water tank" in order to avoid the using terminology in the abstract which is inconsistent with that used in the specification. Correction is required. See MPEP § 608.01(b).

9. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The claims are directed to a "water box", not a "water tank" as referred to in the title.

The following title is suggested: "WATER BOX ARRANGEMENT, PARTICULARLY IN CONNECTION WITH A HEATER OR AIR CONDITIONER FOR A MOTOR VEHICLE".

10. The disclosure is objected to because of the following informalities:

On page 1 of the specification, in lines 7 and 23, the references to claim 1 should be deleted. In general, the specification should not contain specific references to claim numbers because these numbers often change during the course of prosecution, such as, when claims are added or amended.

Appropriate correction is required.

Claim Objections

11. Claim 4 is objected to because of the following informality: this claim appears to have been amended, but no such status has been indicated in brackets as required. Appropriate correction is required. For the purpose of an examination on the merits, the examiner has considered this claim to be amended in accordance with the revisions set forth in the amended set of claims, which were submitted on December 30, 2004.

Claim Notes

12. Claims 1-9 utilize the transitional phrase "...characterized in that...". The examiner has considered the phrase "...characterized in that..." to be an open-type transition, which is equivalent to "comprising" or "including". See MPEP § 2111.03.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. **Claims 1-3, 5, and 7-9** are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent No. EP 1 122 103 A2 ("EP '103"). The specification and the drawings in the EP '103 reference disclose all of the elements recited in **claims 1-3, 5, and 7-9** of this application.

15. Specifically, in regard to claim 1, which is directed to a water box arrangement used particularly in the heating or air conditioning system of a motor vehicle, the EP '103 reference discloses a water box (drain storage 31) which is arranged in a housing (unit case 2),

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characterized in that the water box (drain storage 31) is designed to be integrated into the housing (unit case 2). Refer to EP '103, Figure 1 and column 6, lines 10-27. Therefore, because all of the elements in claim 1 of this application are disclosed by the EP '103 reference, this claim is rejected in accordance with 35 U.S.C. 102(b).

16. In regard to claim 2, which depends on claim 1, the EP '103 reference further discloses that at least part (first half) of the water box (drain storage 31) is formed in one piece with part (first case member 10) of the housing (unit case 2). See EP '103, Figures 1-2 and column 6, lines 10-27. Thus, the EP '103 reference meets the language of this claim.

17. In regard to claim 3, which depends on claim 1, the EP '103 reference further discloses that the water box (drain storage 31) and housing (unit case 2) are of two-part design because the water box (drain storage 31) is formed by two separate halves (first and second case members 10 and 20, respectively) of the housing (unit case 2). Refer to EP '103, Figures 1-2 and column 6, lines 10-27. Consequently, the EP '103 reference also meets the language set forth in claim 3.

18. In regard to claim 5, which depends on claim 3, the EP '103 reference further discloses that the water box arrangement (drain storage 31 arranged in unit case 2) is divided in the vertical direction (the unit case 2 is a vertical-split type which can be separated into right and left portions). See EP '103, Figures 1-2 and column 6, lines 10-27. Therefore, the EP '103 reference also meets the language set forth in this claim.

19. In regard to claim 7, which depends on claim 3, the EP '103 reference further discloses that the parts (first and second case members 10 and 20, respectively) are positioned by means of a tongue-and-groove connection (pressing rib 22 of the second case member 20 fitting into

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receiving recess groove 12 of the first case member 10). Refer to EP '103, Figure 3 and column 7, lines 28-36. Thus, the EP '103 reference meets the language set forth in claim 7.

20. In regard to claim 8, which depends on claim 7, the EP '103 reference further discloses that the tongue-and-groove connection (pressing rib 22 of the second case member 20 fitting into receiving recess groove 12 of the first case member 10) is arranged in the region of the water box (drain storage 31 at the lower end portion of the cooling heat exchanger 3). See EP '103, Figures 1 and 3; column 7, lines 28-36; and column 8, lines 3-15. Consequently, the EP '103 reference also meets the language set forth in this claim.

21. In regard to claim 9, which depends on claim 1, the EP '103 reference further discloses that an evaporator (cooling heat exchanger 3) is arranged in the housing (unit case 2). Refer to EP '103, Figure 1 and column 6, lines 10-27. Therefore, the EP '103 reference also meets the language set forth in claim 9.

22. **Claims 1, 3-4, and 6** are rejected under 35 U.S.C. 102(b) as being anticipated by French Patent No. FR 2 769 694 A1 ("FP '694"). The specification and the drawings in the FP '694 reference disclose all of the elements recited in **claims 1, 3-4, and 6** of this application.

23. Specifically, in regard to claim 1, which is directed to a water box arrangement used particularly in the heating or air conditioning system of a motor vehicle, the FP '694 reference discloses a water box (18) which is arranged in a housing (casing formed by two half shells 10 and 12), characterized in that the water box (18) is designed to be integrated into the housing (casing formed by two half shells 10 and 12). Refer to FP '694, Figures 3 and 4; also see attached English abstract for FP '694. Therefore, because all of the elements in claim 1 of this

application are disclosed by the FP '694 reference, this claim is rejected in accordance with 35 U.S.C. 102(b).

24. In regard to claim 3, which depends on claim 1, the FP '694 reference further discloses that the water box (18) and housing are of two-part design because the water box (18) is formed by two separate halves (two half shells 10 and 12) of the housing. Refer to FP '694, Figures 3 and 4; also see attached English abstract for FP '694. Thus, the FP '694 reference meets the language of this claim.

25. In regard to claim 4, which depends on claim 1, the FP '694 reference further discloses that the water box arrangement is divided transversely to the water box (18) and housing (casing formed by two half shells 10 and 12). See FP '694, Figures 3 and 4. More specifically, the FP '694 reference discloses, in French, that "...le plan de joint 26, au lieu de se situer dans un plan transversal par rapport à l'ouverture 20, comme dans le cas des figures 3 et 4...", which means, when translated to the English language using the AltaVista Babel Fish Translation tool online, that "...the mating plane 26, instead of being located in a transverse plane compared to opening 20, as in the case of figures 3 and 4...". Refer to FP '694, page 5, lines 28-30; see also AltaVista Babel Fish Translation (<http://babelfish.altavista.com/>) (accessed 1/10/2007).

Consequently, because this cited passage clearly indicates that the water box arrangement depicted in Figures 3 and 4 of the FP '694 reference is divided transversely, this reference also meets the language set forth in claim 4.

26. In regard to claim 6, which depends on claim 3, the FP '694 reference further discloses that "les parties homologues mâle et femelle 28, 30" in Figure 4 may be joined together using a "pâte d'étanchéité, par exemple en un matériau silicone", which means, when the phrases in

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French are translated to the English language using the AltaVista Babel Fish Translation tool online, that the “homologous male and female parts (edges) 28, 30” may be joined together using a “sealing paste, for example, a silicone material”. Refer to FP ‘694, page 5, lines 15-17; see also AltaVista Babel Fish Translation (<http://babelfish.altavista.com/>) (accessed 1/10/2007). Therefore, because the FP ‘694 reference provides that the two half shells 10 and 12, with sealing edges 28 and 30, may be connected by means of an adhesive joint, this reference also meets the language set forth in claim 6.

Conclusion

27. See attached form PTO-892 for additional pertinent prior art, which was not directly relied upon in this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick F. O'Reilly III whose telephone number is (571) 272-3424. The examiner can normally be reached on Monday through Friday, 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Josiah C. Cocks can be reached on (571) 272-4874. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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